

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	20 MDL NO. 2946
:	(DLC)
IN RE INCLUSIVE ACCESS COURSE MATERIALS:	
ANTITRUST LITIGATION	Related to all
:	matters
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	<u>ORDER</u>

DENISE COTE, District Judge:

The Court having conducted a pretrial conference on September 3, 2020 to address the motions for appointment of lead counsel in the MDL class actions brought against McGraw Hill, LLC; McGraw-Hill Global Education Holdings LLC; Pearson Education, Inc.; Cengage Learning, Inc.; Educational Publishers Enforcement Group; Barnes & Noble College Booksellers LLC; Barnes & Noble Education, Inc.; and Follett Higher Education Group ("Defendants"), it is hereby

ORDERED as follows:

I. LEAD PLAINTIFFS' COUNSEL

1. Radice Law Firm, PC and Hagens Berman Sobol Shapiro LLP shall serve as Co-Lead Counsel for the Student Purchaser Plaintiffs.
2. Steckler Gresham Cochran PLLC and Thompson Coburn LLP shall serve as Co-Lead Counsel for the Independent Collegiate Retailer Plaintiffs.

II. CAPTIONS

Every pleading filed in the Student Purchaser Plaintiffs class action, and in any separate action consolidated with it, shall bear the following two captions:

UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
-----X		
IN RE INCLUSIVE ACCESS COURSE	:	MASTER FILE NO.
MATERIALS ANTITRUST LITIGATION	:	20 MDL NO. 2946 (DLC)
	:	
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This Document relates to:	:	
	:	
20cv6314	:	
	:	
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Every pleading filed in the Independent Collegiate Retailer Plaintiffs class action, and in any separate action consolidated with it, shall bear the following two captions:

UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
-----X		
IN RE INCLUSIVE ACCESS COURSE	:	MASTER FILE NO.
MATERIALS ANTITRUST LITIGATION	:	20 MDL NO. 2946 (DLC)
	:	
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This Document relates to:	:	
	:	
20cv6339	:	
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III. CURRENTLY FILED AND TRANSFERRED ACTIONS

1. The class actions which have arrived on this Court's docket as of the date of this Order are consolidated with the two above-identified class actions according to the claims made in those actions.
2. When a class action that relates to the same subject matter as either of the two above-identified class actions or any individual action that relates to the subject matter of either of the two above-identified class actions is hereafter filed in or transferred to this Court and assigned to the undersigned, it shall be consolidated with this MDL action and where appropriate the two above-identified class actions (provided that any case transferred to this Court solely for pretrial proceedings shall be consolidated only to that extent absent further order of this Court), and the Clerk of Court shall:
  - a. File a copy of this Order in the separate file for such action.
  - b. Make an appropriate entry in the Docket.
3. The Clerk shall maintain a separate file for each of the consolidated actions and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by this Order.
4. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case which might properly be consolidated with this action.
5. When an action that relates to the same subject matter as this MDL action is hereafter filed in or transferred to this Court and assigned to the undersigned, the filing party shall use the origin code 8 on its civil cover sheet.

IV. APPLICATION OF THIS ORDER

1. This Order applies to each action assigned to the undersigned alleging claims similar to those set forth in this MDL litigation against the Defendants.
2. This Order shall apply to each such case which is currently pending before the undersigned and which is subsequently

filed in or transferred to this Court unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the filing of this Order or the date that the case arrives on the undersigned's docket, whichever is later.

3. The provisions of this Order shall apply to such actions pending the Court's ruling on the application for relief.
4. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, Defendants shall not be required to answer, plead or otherwise move with respect to that complaint in any such case.
5. If a plaintiff in any such case is permitted to use a separate complaint, each Defendant shall have thirty (30) days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to any such complaint.


V. SCHEDULE

1. The Student Purchaser Plaintiffs and Independent Collegiate Retailer Plaintiffs shall each file their consolidated amended complaints for their respective actions and any actions consolidated with their respective actions on or before **October 16, 2020**. Defendants shall file an answer to the consolidated amended complaints or a motion to dismiss the consolidated amended complaints by **December 4**.
2. Pending filing and service of the two consolidated amended complaints, Defendants shall have no obligation to move, answer, or otherwise respond to any complaints in any action consolidated with this MDL action.
3. If a motion to dismiss either of the two consolidated amended complaints is filed, the Student Purchaser Plaintiffs and Independent Collegiate Retailer Plaintiffs shall file a letter by **December 11, 2020** indicating a desire to further amend their complaints in response to the motion. It is unlikely that the Student Purchaser Plaintiffs and Independent Collegiate Retailer Plaintiffs will be granted any further opportunities to amend. Any second consolidated amended complaints must be filed by

**December 18.** If the Student Purchaser Plaintiffs and Independent Collegiate Retailer Plaintiffs elect to further amend, any Defendant shall file its motion to dismiss on or before **January 22, 2021**. The plaintiffs shall file their oppositions to the motions by **February 19**. Defendants shall file their replies on or before **March 5**.

4. The parties shall supply the Court with one courtesy copy of their motion papers at the time the papers are served.

Dated: New York, New York  
September 8, 2020

  
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DENISE COTE  
United States District Judge